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8 **Attorneys for Defendant and Counterclaimant**
David Foote

9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN FRANCISCO DIVISION**

12 **MUSIC GROUP MACAO**
13 **COMMERCIAL OFFSHORE LIMITED,**
a Macao entity,

14 Plaintiff,

15 v.

16 **DAVID FOOTE,**

17 Defendant.

18 **DAVID FOOTE, an individual,**

19 Counter-claimant,

20 v.
21

22 **MUSIC GROUP MACAO,**
23 **COMMERCIAL OFFSHORE**
LIMITED, a Macao entity,

24 Counter-defendant.
25
26

No. 3:14-cv-03078-JSC

**NOTICE OF ADMINISTRATIVE
MOTION AND MOTION TO FILE
DOCUMENTS UNDER SEAL;
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT**

**[No hearing required pursuant to Local
Rule 7-11(c)]**

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TO MUSIC GROUP MACAO COMMERCIAL OFFSHORE LIMITED AND ITS ATTORNEYS OF RECORD, PLEASE TAKE NOTICE that pursuant to Local Rules 7-11 and 79-5, defendant and counter-claimant David Foote (“Defendant”) will and hereby does move this Court for an order allowing him to file the following documents under seal:

1. The unredacted version of Defendant’s Notice of Motion and Motion for Summary Judgment;
2. The unredacted version of the body of the Declaration of Jared M. Ahern in support of the Motion for Summary Judgment;
3. Exhibits 6 and 7 of the Declaration of Jared M. Ahern in support of the Motion for Summary Judgment in their entirety.
4. The unredacted versions of Exhibits 1, 3, and 4 to the Declaration of Jared M. Ahern in support of Defendant’s Motion for Summary judgment.

The grounds for this motion is that the plaintiff, Music Group Macao Commercial Offshore Limited (“Music Group”), has designated information contained in these documents, and in the case of exhibits 6 and 7 of the Declaration of Jared M. Ahern, the entirety of these documents, as confidential pursuant to a stipulated protective order the parties entered into, and that was approved by the Court, on November 13, 2014. This motion is based on the accompanying memorandum of points and authorities and the concurrently filed Declaration of Jared M. Ahern. A proposed order is attached hereto as Exhibit 1.

Pursuant to Local Rule 79-5(c), concurrently with the filing of this motion, the unredacted versions of the documents sought to be sealed are being filed under seal.

Pursuant to Local Rule 7-11(b) any opposition to or support for this motion must be filed no later than four days after the date of the filing of this motion.

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Pursuant to Local Rule 79-5(e), if Music Group contends that the designated material is sealable, it must file a declaration pursuant to Local Rule 79-5(d)(1)(A) establishing that the material is sealable.

Dated: April 14, 2015.

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MEMORANDUM OF POINTS AND AUTHORITIES

By this Motion Defendant seeks an order allowing it to file several documents under seal, because information in the documents, or in some instances the entirety of the documents, has been designated as confidential by the plaintiff pursuant to the stipulated protective order (the “Protective Order”) that has been entered in this case. There is no good cause under the applicable law for maintaining these documents under seal, and Defendant is only filing this motion to comply with the Local Rules and the Protective Order.

On November 13, 2014 this Court signed the Protective Order, which governs the use of confidential, proprietary, or other sensitive information in this case. Court Docket Number 41. The Protective Order provides that a party may designate information in documentary form as protected by affixing the term “CONFIDENTIAL” to each page that contains protected material. Protective Order ¶ 5.2(a).

As part of Defendant’s concurrently filed motion for summary judgment, Defendant cites and refers to documentary evidence and written discovery requests that were designated as confidential by Music Group pursuant to the Protective Order. In accordance with the terms of the Protective Order Defendant is filing this motion.

Dated: April 14, 2015.

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